

**REMARKS:**

**Status of the Claims**

Claims 1-43 were originally filed. Claims 1, 2, 4, 7, 8, 17, 18, 20, 29, 31-33, and 36 were elected in the February 12, 2007 reply that is responsive to the January 11, 2007 Restriction Requirement. In the April 30, 2007 Office Action, claim 36 was excluded under further restriction as being directed to a different species than that was elected. Claims 1, 2, 4, 7, 8, 17, 18, 20, 29, and 31-33 stand rejected in the April 30, 2007 Office Action.

In this amendment, claims 1-43 are canceled, without prejudice. New claims 44-52 are added. The newly added claims are directed to the species that was previously elected. Support can be found throughout the specification. No new matter is introduced. It is submitted that Applicants reserve the right to file a divisional application directed to the non-elected species at a later time. Applicants respectfully request reconsideration and withdrawal of rejection in view of the following remarks.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 1, 2, 4, 7, 8, 17, 18, 20, 29, and 31-33 stand rejected under 35 U.S.C. § 112, 1st paragraph as being non-enabling. Examiner alleges that there is an inconsistency/inaccuracy in the usage of the term “off-odor eliminating compound” as well as the mechanism for eliminating the odor (*See, Office Action, page 2, lines 10-12*). Examiner specifies that since the specification does not specifically define the term “off-odor eliminating compound”, it is confusing to make a distinction between the term “off-odor eliminating compound” and the term “scavengers” (*See, Office Action, page 2, lines 12-17*). Examiner continues to allege that if the off-odor eliminating compound is an absorbent as disclosed, it is not seen how the compound could “contact” the product (*See, Office Action, page 3, lines 11-12*). Applicants respectfully disagree.

Applicants respectfully submit that the term “off-odor eliminating compounds” is self-explanatory. One skilled in the art would recognize that this term is directed to a compound that eliminates/reduces an off-odor, and a variety of possible mechanisms may be involved. Upon reviewing the present invention, one skilled in the art would also recognize that a consistent

disclosure with respect to the usage of the term and the mechanism for eliminating the odor is provided. First, it is expressly taught that an off-odor eliminating compound (“compound”) can eliminate/reduce an off-odor through direct contact with the product that generates the off-odor. The compound can be placed in the interior of the package that contains the product or in a sachet, especially a porous sachet, within the package. In one embodiment, the compound diffuses out to contact the product (*See*, Specification, page 5, lines 3-6 and 17-20; page 6, line 4-7). In another embodiment, the off-odor molecule diffuses in to contact the compound (*See*, Specification, page 5, lines 10-12). A barrier material is exemplified in the specification that can be used to entrap the off-odor molecule (*See*, Specification, page 3, lines 14-18). The example of an oxygen scavenger is also disclosed (*See*, Specification, page 3, lines 18-24). Secondly, the present invention also teaches a volatile compound. In this embodiment, the compound is emitted from a source and migrates onto the product (*See*, Specification, page 5, lines 12-15; page 6, lines 9-13). Thirdly, the compound can be contained by a gas. The off-odor elimination is carried out by transferring the compound to the product with a flow of gas (*See*, Specification, page 6, lines 20-23).

However, scavenge is explicitly defined in the present invention as to react irreversibly (*See*, Specification, page 3, line 21). A scavenger is a particular class of off-odor eliminating compound. Different from the off-odor eliminating compounds in general that involve a variety of mechanisms, a sulphur scavenger employs an identified off-odor eliminating mechanism of reacting with sulphur compounds irreversibly. Consistently, it is disclosed in the present invention that a sulphur scavenger is a preferred compound (*See*, Specification, page 4, lines 23-24). Applicants respectfully submit that, upon reviewing the present invention, one skilled in the art would recognize that there is a clear distinction between the “off-odor eliminating compounds” and the “scavengers”. The “off-odor eliminating compounds” is a generic phrase, and the off-odor elimination may involve a variety of mechanisms. In contrast, the term “scavengers” is directed to a species that functions by a defined mechanism.

Accordingly, Applicants respectfully submit that there is no inconsistency/inaccuracy in the usage of the term “off-odor eliminating compound” as well as the mechanism for eliminating

the odor, and the distinction between the term “off-odor eliminating compounds” and the term “scavengers” is clearly defined.

Further, to expedite the prosecution, Applicants hereby cancel claims 1-43, without prejudice. Applicants respectfully submit new claims 44-52 in order to better present the proper claim format and to recite the inventive embodiments with clarity and particularity. The claim language “contact” that refers to contacting the product with the compound that stands rejected by the Examiner is no longer present in the new claims. Accordingly, this rejection is considered to be moot.

Furthermore, currently pending claims recite “. . . an off-odor eliminating compound . . . comprises linoleic acid”. The use of linoleic acid, a sulphur scavenger, as an off-odor eliminating compound has been fully disclosed. Support can be found throughout the specification including the examples. Accordingly, Applicants respectfully submit that the enablement requirement in accordance with 35 U.S.C. § 112, 1st paragraph has been met.

**Claim Rejections Under 35 U.S.C. § 102(b) - Visoli (WO 96/40429) or Corbin *et al.* (WO 96/22160)**

Claims 1, 2, 4, 7, 8, 17, 18, 20, 29, and 31-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Visoli (WO 96/40429) or by Corbin *et al.* (WO 96/22160). Examiner alleges that both references teach a method and packaging wherein a package for food can be provided with an odor eliminating compound, which compound can eliminate sulphur by scavenging and wherein the compounds can be positioned as part of an innermost layer that can be the sealing layer and wherein the layer or sheet can be formed into a composite structure by laminating the layers together (*See*, Office Action, page 3, line 23 to page 4, line 5).

Applicants respectfully submit that neither Visoli nor Corbin discloses linoleic acid, let alone linoleic acid as an off-odor eliminating compound. In contrast, currently pending independent claims (i.e., claims 44, 46, and 48) recite “. . . an off-odor eliminating compound . . . comprises linoleic acid”. Applicants believe that the pending claims would not be anticipated by

Visoli or Corbin *et al.* respectfully, and respectfully request that this 35 U.S.C. § 102 rejection be withdrawn.

**Claim Rejections Under 35 U.S.C. § 103(a) - Visoli (WO 96/40429) or Corbin *et al.* (WO 96/22160)**

Claim 33 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Visoli (WO 96/40429) or Corbin *et al.* (WO 96/22160). Examiner alleges that both references disclose the package can be a bag and it is notoriously conventional to make resealable bags. Examiner continues to allege that it would have been obvious to employ a conventionally structured resealable bag for its art recognized and applicant's intended function (*See*, Office Action, page 4, lines 13-19).

Applicants respectfully submit that both cited references do not teach or suggest linoleic acid, let alone linoleic acid as an off-odor eliminating compound. One skilled in the art would not be motivated, based upon Visoli or Corbin *et al.* teaching, to use linoleic acid as an off-odor eliminating compound. For at least these reasons, Applicants respectfully request that this 35 U.S.C. § 103 rejection be withdrawn.

**Claim Rejections Under 35 U.S.C. § 102(b) - Holzner (US 4,990,381)**

Claims 8, 17, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Holzner (US 4,990,381). Examiner alleges that Holzner discloses scents in the structural context recited and also refers to "deodorizing compounds".

Same as the Visoli and Corbin references, Holzner fails to disclose linoleic acid. For at least the same reasons discussed above in connection with the Visoli and Corbin references, Applicants respectfully submit that the present invention is novel and patentable over Holzner. Accordingly, Applicants respectfully request this 35 U.S.C. § 102(b) be withdrawn.

**CONCLUSION:**

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of rejections, and allowance of all claims now present in the application.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to the Deposit Account No. 12-1295.

Respectfully submitted,



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